

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE****ERIE COUNTY LEGISLATURE****MEETING NO. 8****April 10, 2003**

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Pastor Milton French of the Second Temple Baptist Church.

The Pledge of Allegiance was led by Mr. Falkner.

Item 1 – CHAIRMAN SWANICK directed that Comm. 20E-2 (2002) remain on the table.

Item 2 – MR. RANZENHOFER moved the approval of minutes for Meeting No. 6 of 2003. MR. LARSON seconded. MR. DALE in the negative.

CARRIED. (WEIGHTED VOTE: 16.112 - 0.888)

MISCELLANEOUS RESOLUTIONS

Item 3 – MR. DALE, ET AL presented a resolution Congratulating City Honors Basketball Team for Winning New York State Class C Title. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. LARSON, MR. McCARVILLE & MR. FALKNER presented a resolution Honoring the Life of James Fuchs, Life Long Resident of Elma, Former Member of Elma Fire Department & Life Member of Elma Conservation Club. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. CHASE & THE MAJORITY CAUCUS presented a resolution Recognizing Week of 4/27 – 5/3/03 as Municipal Clerks Week & Extending Recognition & Appreciation to all Municipal Clerks in Erie County. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 6 – MS. MARINELLI, ET AL presented a resolution Recognizing 4/15/03 as Equal Pay Day in Erie County. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MR. DUSZA, MR. DALE, MR. RANZENHOFER & MS. CUSACK presented a resolution Congratulating Residents of Cheektowaga Celebrating their 50th Wedding Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 8 – MS. MARINELLI, ET AL presented a resolution Requesting Support for Expanding Opportunities in Athletics for Girls & Women Through Title IX. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA, ET AL presented a resolution Commemorating American Workers Injured or Killed on the Job This Worker's Memorial Day. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. SMITH presented a resolution Honoring Brother George Randall for his Years of Service to Boys Scouts of America. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – THE MINORITY CAUCUS, ET AL presented a resolution Honoring the Life of Former New York State Senator Daniel Patrick Moynihan. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 12 – MS. CHASE presented a resolution Celebrating the 100 Year Anniversary of the Erie County Pomona Grange #6. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. CHASE presented a resolution In Memory of Eden Republican Party Chairman James Bulger. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. WEINSTEIN presented a resolution Honoring Mr. & Mrs. Sam Leone on Their 50th Anniversary. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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Item 15 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2002 remain on the table.

Item 17 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2002 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

Item 18 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2002 remain on the table.

Item 19 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #1) 2003 remain on the table.

Item 20 – CHAIRMAN SWANICK directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

Item 21 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #1) 2003 remain on the table.

Item 22 – CHAIRMAN SWANICK directed that Local Law No. 3 (Print #1) 2003 remain on the table.

Item 23 – CHAIRMAN SWANICK directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

COMMITTEE REPORTS

Item 24 – MR. LARSON presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

April 7, 2003

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATORS RANZENHOFER & FALKNER.
CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

1. RESOLVED, that the following items are received and filed.

- | | | | | |
|----|--|------|-------|---------------|
| | Item | Page | -2003 | (Comm. 5E-5) |
| a. | COMPTROLLER: Request for a 12/02 BMR & Forecast of 2002 Operations.
(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 6E-15) |
| b. | COUNTY EXECUTIVE: Available Balances as of 12/31/02 that have been Reappropriated in 2003 Budget.
(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 7E-5) |
| c. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax for 3/03.
(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |
| | Item | Page | -2003 | (Comm. 7E-19) |
| d. | COUNTY EXECUTIVE: Amendment to Various 2003 Town & Special District Budgets.
(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |

AS AMENDED

- | | | | | |
|----|---|------|-------|---------------|
| 2. | Item | Page | -2003 | (Comm. 2D-13) |
| | BUDGET, MANAGEMENT & FINANCE | | | |

A

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and WHEREAS,
the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered **203203** through **203204** inclusive be hereby **denied** based upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2000 **Petition No.** **203203**

ASSESSOR **Refund** \$6,965.67

S-B-L 67.06-1-18**142289 AMHERST**

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$6,965.67	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$6,965.67	

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED ON THE SPECIAL DISTRICTS FOR SEWER TAX. RPTL 550(2)E
CHECK FOR: AMHERST INDUSTRIES INC

THE DIRECTOR OF REAL PROPERTY TAX SERVICES, JOSEPH MACIEJEWSKI HAS DETERMINED THAT THIS PETITION BE DENIED. NEW YORK REAL PROPERTY TAX LAW REQUIRES THAT AN APPLICATION TO REFUND BE FILED WITHIN 3 YEARS OF THE ANNEXATION OF THE TAX WARRANT. THIS APPLICATION WAS RECEIVED ON MARCH 27, 2003. IN ACCORDANCE WITH RPTL 556 THE APPLICATION HAD TO BE RECEIVED BY FEBRUARY 3, 2003.

FISCAL YEAR	1999/2000	Petition No.	203204
		Refund	\$207.67

S-B-L

	Acct. No. 112	\$0.00	County
	Acct. No. 132		Town/SpecialDist/School
41854 BASIC STAR EXEMPTION		\$207.67	

<u>Charge To :</u>	N.Y.S. BASIC STAR EXEMP	\$207.67
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REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 7,200 WAS OMITTED FROM THE TAX BILL. RPTL 550(2)C
CHECK FOR: TIMOTHY & MAUREEN HENDERSON

THE DIRECTOR OF REAL PROPERTY TAX SERVICES, JOSEPH MACIEJEWSKI HAS DETERMINED THAT THIS PETITION BE DENIED. NEW YORK REAL PROPERTY TAX LAW REQUIRES THAT AN APPLICATION TO REFUND BE FILED WITHIN 3 YEARS OF THE ANNEXATION OF THE TAX

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WARRANT. THIS APPLICATION WAS RECEIVED ON FEBRUARY 26, 2003. IN ACCORDANCE WITH RPTL 556 THE APPLICATION HAD TO BE RECEIVED BY SEPTEMBER 14, 2002.

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

B

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS,

the Director has investigate the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered **203205** through **203213** inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

FISCAL YEAR 2003 **Petition No.** **203205**

ASSESSOR **Refund** \$334.67

S-B-L 42.11-2-15.12 **142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$334.67 Town/SpecialDist/School

Charge To : **142289 AMHERST** **\$334.67**

Relevy School \$302.87 142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE RELEVY SCHOOL TAX SHOULD BE ON
SBL 42.11-2-15.12. RPTL 550(2)I
CHECK FOR: JAMES & MARIA BINNER

FISCAL YEAR 2001 **Petition No.** **203206**

ASSESSOR **Refund** \$7,442.64

S-B-L 67.06-1-18 **142289 AMHERST**

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	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$7,442.64	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$7,442.64	

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR SEWER
TAX. RPTL 550(2)E
CHECK FOR: AMHERST INDUSTRIES INC

FISCAL YEAR 2002 Petition No. **203207**

ASSESSOR **Refund** \$6,075.62

S-B-L 67.06-1-18 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$6,075.62	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$6,075.62	

REFUND - CLERICAL ERROR, THIS PARCEL WAS OVERCHARGED FOR SEWER
TAX. RPTL 550(2)E
CHECK FOR: AMHERST INDUSTRIES INC

FISCAL YEAR 2003 Petition No. **203208**

ASSESSOR **Refund** \$6,942.41

S-B-L 67.06-1-18 **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$6,942.41	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$6,942.41	

REFUND - CLERICAL ERROR, THE SEWER & WATER DISTRICTS WERE
MISCALCULATED ON THE TAX BILL. RPTL 550(2)E
CHECK FOR: AMHERST INDUSTRIES INC

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE****FISCAL YEAR 2002 Petition No. 203209****ASSESSOR Refund \$48.25****S-B-L 67.42-5-26 142289 AMHERST**

Acct. No. 112 \$0.00 County

Acct. No. 132 \$48.25 Town/SpecialDist/School

Charge To : 142289 AMHERST \$48.25**Relevy School \$48.25 142207 SWEET HOME CENTRAL**

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 24,210
 (45%) WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C
 CHECK FOR: DARREL & MARTHA MITCHELL

FISCAL YEAR 2003 Petition No. 203210**ASSESSOR Refund \$25.61****S-B-L 67.42-5-26 142289 AMHERST**

Acct. No. 112 \$12.51 County

Acct. No. 132 \$13.10 Town/SpecialDist/School

Charge To : 142289 AMHERST \$13.10

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF
 24,210 SHOULD BE 26,900. RPTL 550(2)B
 CHECK FOR: DARRELL & MARTHA MITCHELL

FISCAL YEAR 2003 Petition No. 203211**ASSESSOR Cancel \$30.40****S-B-L 30.00-4-69 143200 CLARENCE**

Acct. No. 112 \$17.32 County

Acct. No. 132 \$13.08 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$13.08

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CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 31,800 AND SHOULD BE 28,000.
RPTL 550(2)A

FISCAL YEAR 2002 Petition No. **203212**

ASSESSOR **Refund** \$611.66

S-B-L 129.00-15-23 **145400 MARILLA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$611.66	Town/SpecialDist/School
Charge To :	145400 MARILLA	\$611.66
Relevy School	\$611.66	

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY THE ASSESSMENT WAS 131,900 AND SHOULD BE 113,800. RPTL 550(2)A
CHECK FOR: CARL & JEAN CLARK

FISCAL YEAR 2003 Petition No. **203213**

ASSESSOR **Cancel** \$183.52

S-B-L 129.00-15-23 **145400 MARILLA**

Acct. No. 112	\$139.37	County
Acct. No. 132	\$44.15	Town/SpecialDist/School
24020 AURORA # 1 FIRE PROTECTION	\$9.01	
54019 MARILLA FIRE PROTECT	\$26.71	
Charge To :	145400 MARILLA	\$8.43

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 131,900 AND SHOULD BE 113,800.
RPTL 550(2)A

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

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3. Item Page -2003 (Comm. 6E-10)

COUNTY EXECUTIVE

WHEREAS, Sycamore Street Housing, L.P. will develop housing for homeless, chronically mentally ill individuals, pursuant to Section 57.7 of Article XI of the New York Private Housing Finance Law; and

WHEREAS, the Project is located at 923 Sycamore Street, Buffalo, New York and contains 24 single room occupancy units for homeless, chronically mentally ill individuals; and

WHEREAS, 923 Sycamore Street will be managed by Cazenovia Recovery Systems, Inc.; and

WHEREAS, in order to make the Project economically feasible for Sycamore Street Housing L.P., it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu Of Taxes (PILOT) Agreement with Sycamore Street Housing, L.P. relating to the property located at 923 Sycamore Street, Buffalo, New York and all other Agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include a Payment In Lieu Of Taxes (PILOT) of \$2,857 the first year of the PILOT Agreement, with a three (3) percent increase annually thereafter for the balance of the fifteen years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget and Management, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page -2003 (Comm. 6E-11)

COUNTY EXECUTIVE

WHEREAS, Urban Street Apartments, L.P. (USA) will develop housing for low income households, pursuant to Section 57.7 of Article XI of the New York Private Housing Finance Law; and

WHEREAS, the Project is located at 376 Urban Street, Buffalo, New York and contains 30 residential units for low income households; and

WHEREAS, 376 Urban Street will be managed by Broadway-Fillmore Neighborhood Housing Services, Inc.; and

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WHEREAS, in order to make the Project economically feasible for USA, it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment In Lieu Of Taxes (PILOT) Agreement with Urban Street Apartments, L.P. relating to the property located at 376 Urban Street, Buffalo, New York and all other Agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include a Payment In Lieu Of Taxes (PILOT) of \$3,392.70 the first year of the PILOT Agreement, with a three (3) percent increase annually thereafter for the balance of the fifteen years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget and Management, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 7E-12)

COUNTY EXECUTIVE

WHEREAS, St. Mary's Commons Apartments, L.P. (St. Mary's Commons) is developing housing for elderly individuals (Project) pursuant to Article XI of the New York State Private Housing Finance Law; and

WHEREAS, the project is located at 400 Mill Street, Amherst, New York and contains one hundred and one residential units for low and moderate income elderly individuals; and

WHEREAS, St. Mary's Commons Apartments will be managed by Whitney Management Corporation; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for St. Mary's Commons Apartments, L.P., it is necessary to obtain tax relief from the County of Erie and the Town of Amherst.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT agreement with St. Mary's Commons relating to the property located at 400 Mill Street, Amherst, New York, and all other agreements necessary to conclude this Project; and be it further

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RESOLVED, that said agreement shall include an annual PILOT of \$28,311 by St. Mary's Commons in the first year of the PILOT Agreement, with a three (3) percent increase annually thereafter for a fifteen year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 7E-20)

COUNTY EXECUTIVE

WHEREAS, RPTL § 1537(4) authorizes municipalities which have adopted a resolution subject to permissive referendum providing a single appointed successor to enter into an agreement with a county for assessment services; and

WHEREAS, the TOWN OF GRAND ISLAND ("TOWN") has duly adopted a resolution authorizing such agreement in accordance with RPTL § 1537(4); and

WHEREAS, the TOWN has requested that the COUNTY OF ERIE ("COUNTY") enter into a municipal cooperation agreement with the TOWN pursuant to General Municipal Law Article 5-G whereby the COUNTY is willing to provide such services through an employee or personal services contractor of the Erie County Real Property Tax Service Office designated to act as the TOWN's sole assessor for the 2003 assessment year; and

WHEREAS, in consideration of the assessment services to be provided by the COUNTY hereunder, the TOWN agrees to pay the COUNTY the sum of \$ 17,808.20, which sum shall be paid to the COUNTY in four equal installments due on May 1, 2003, July 1, 2003, September 1, 2003, November 1, 2003; and

WHEREAS, in order to provide assessment services to the TOWN, the COUNTY shall engage the services of a New York State certified assessor and a New York State certified appraiser, both of whom have been selected pursuant to the RFP procedure found in § 19.08 of the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a municipal cooperation agreement with the TOWN wherein the COUNTY will provide assessment services to the TOWN for the 2003 assessment year; and be it further

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RESOLVED, that the Erie County Executive is authorized to enter into a personal services agreement with DAVID M. UNMACK, an independent contractor and New York State certified assessor, to assist the County in performing assessment services for the TOWN; and be it further

RESOLVED, that the COUNTY shall pay DAVID M. UNMACK for assessment services rendered hereunder the agreed rate of \$ 55.00 per hour, not to exceed a maximum aggregate of 250 hours (or \$ 13,750.00); and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a personal services agreement with CHARLES L. SCHIFFLER, an independent contractor and New York State certified real property appraiser, to assist the County in performing assessment services for the TOWN; and be it further

RESOLVED, that COUNTY shall pay CHARLES L. SCHIFFLER the agreed rate of \$ 35.00 per hour, not to exceed a maximum aggregate of 50 hours (or \$ 1,750.00); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Department of Law, the Erie County Real Property Tax Service Office, Division of Budget, Management and Finance, and the Office of the Comptroller.

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

7. Item Page -2003 (Comm. 7E-24)

COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 2003 Adopted Budget, and

WHEREAS, the 2003 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on April 1, 2003:

Department	Grant Program	2003 Budget Book B Page No.
140 - District Attorney	Aid to Prosecution	25

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140 - District Attorney	Multijurisdictional Program	25
140 - District Attorney	Comprehensive Assault, Abuse and Rape Unit (CAAR)	27
650 - CPS	Aid to Crime Labs Program	67
650 - CPS	Aid to Law Enforcement Program	67
650 - CPS	Aid to Localities - Laboratory Funding	67
650 - CPS	DNA Lab Assistance Program	68
150 - Sheriff	Unified Court Security	87
260 - Probation	Juvenile Justice Title V Grant	104*
260 - Probation	Aid to Localities - Indigent Defense	104
260 - Probation	Anti-Drug Abuse Grant	104
260 - Probation	Juvenile Justice Formula Grant	104**
270 - Health	Public Health Preparedness/ Response to Bioterrorism	133***
270 - Health	Enhanced Drinking Water Protection Program	134
270 - Health	Healthy Heart Worksite Wellness	135
270 - Health	Comprehensive Community - Based Tobacco Control and Prevention Program	135**
270 - Health	Medical Examiner Toxicology Laboratory Aid	136
270 - Health	Western New York Coalition for Diabetes Prevention	136
270 - Health	Water Quality Program	137

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270 - Health	Partners for Prevention	137
270 - Health	Immunization Action Plan	139
270 - Health	Women's Health Services	140
200 - Social Services	Legal Assistance to the Disabled	290
620 - Env. & Plg.	Home Rehabilitation Program	433
620 - Env. & Plg.	Community Development - 29th Year	433
* Begins 3/31/03		
** Begins 6/01/03		
*** Begins 5/01/03		

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: Central Police Services, District Attorney, Sheriff, Probation, Health, Social Services, Law, Environment and Planning, the Office of the Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislators Ranzenhofer and Falkner absent. Chairman Swanick present as Ex-Officio Member.

DALE W. LARSON
CHAIRMAN

MR. LARSON moved to separate #1.d. and moved the approval of the balance of the report. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

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RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**ALDEN
FOR THE YEAR 2003****APPROPRIATION****ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TOWNWIDE	\$1,245,058.00	\$680,100	\$564,958.00
GENERAL FUND-TOWN ONLY	\$143,906.00	\$143,906	\$0.00
HIGHWAY TOWN ONLY	\$584,900.00	\$515,400	\$69,500.00
TOTAL TOWN & HIGHWAY	\$1,973,864.00	1,339,406	\$634,458.00
SEWER DISTRICT #1	\$32,336.00	\$500	\$31,836.00
SEWER DISTRICT #2	\$40,327.00	\$4,100	\$36,227.00
WATER DISTRICT #1	\$5,800.00	\$900	\$4,900.00
WATER DISTRICT #2	\$12,500.00	\$500	\$12,000.00
WATER DISTRICT #3	\$213,722.00	\$600	\$213,122.00
WATER DISTRICT #4	\$117,090.00	\$1,500	\$115,590.00
FIRE PROTECTION DST	\$580,444.00	\$4,500	\$575,944.00
LIGHT DISTRICTS	\$97,000.00	\$18,500	\$78,500.00
WATER #5 OUT OF DIST	\$5,641.10	\$0	\$5,641.10
WATER #9 OUT OF DIST	\$204.30	\$0	\$204.30
DELINQUENT WATER	\$440.48	\$0	\$440.48
GARBAGE DISTRICT	\$386,600.00	\$4,000	\$382,600.00
TOTAL SPECIAL DISTRICT	\$1,492,104.88	\$35,100	\$1,457,004.88
GRAND TOTALS	\$3,465,968.88	\$1,374,506	\$2,091,462.88

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**AMHERST
FOR THE YEAR 2003**

APPROPRIATION

**ESTIMATED
REVENUES**

TAX LEVY

{PRIVATE }GENERAL FUND TOWN ONLY	\$42,481,699.00	\$25,171,117	\$17,310,582.00
GENERAL FUND VILLAGE ONLY	\$2,003,050.00	\$573,257	\$1,429,793.00
GENERAL FUND- OUTSIDE VILLAGE	\$3,886,337.00	\$1,668,300	\$2,218,037.00
HIGHWAY FUNDS TOWN ONLY	\$7,777,882.00	\$1,219,500	\$6,558,382.00
CENTRAL ALARM	\$1,047,594.00	\$287,975	\$759,619.00
COMMUNITY DEVELOPMENT	\$699,000.00	\$699,000	\$0
TOTAL TOWN & HIGHWAY	\$57,895,562.00	\$29,619,149	\$28,276,413.00
FIRE DISTRICTS	\$2,094,326.00	\$0	\$2,094,326.00
SANITARY SEWERS DISTRICT	\$18,252,508.00	\$3,830,200	\$14,422,308.00
FIRE PROTECTION DIST.	\$4,177,990.00	\$95,925	\$4,082,065.00
STORM SEWER DISTRICTS	\$4,699,233.00	\$369,500	\$4,329,733.00
WATER DISTRICTS	\$867,925.00	\$138,009	\$729,916.00
TOTAL SPECIAL DISTRICTS	\$30,091,982.00	\$4,433,634	\$25,658,348.00

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

SPECIAL ASMT SANITARY SEWER	\$5,406.00	\$0	\$5,406.00
SPECIAL ASMT STORM SEWER	\$9,202.00	\$0	\$9,202.00
SPECIAL ASMT WATER DISTRICT	\$3,340.00	\$0	\$3,340.00
H.O.M.E.	\$1,086,000.00	\$1,086,000	\$0.00
SPECIAL ASMT LIGHT DISTRICT	\$3,236,025.00	\$189,105	\$3,046,920.00
SIDEWALKS	\$71,075	\$0	\$71,075.00
SPECIAL ASMT GARBAGE	\$6,617,418.00	\$770,494	\$5,846,924.00
DELINQUENT WATER - ECWA	\$12,236.00	\$0	\$12,236.00
DELINQUENT SEWER RENTAL	\$0	\$0	\$0.00
DELINQUENT SEWER - VILLAGE	\$3,103	\$0	\$3,103.00
PRETREATMENT SURCHARGE	\$225,241.00	\$0	\$225,241.00
DELINQUENT WATER - VILLAGE	\$0	\$0	\$0
CODE VIOLATIONS	\$30,406.00	\$0	\$30,406.00
DEMOLITION CHARGE	\$0	\$0	\$0
OMITTED TAX	\$139,134.25	\$0	\$139,134.25
TOTAL SPECIAL ASSESS'MT	\$11,438,586.25	\$2,045,599	\$9,392,987.25
GRAND TOTALS	\$99,426,130.25	\$36,098,382	\$63,327,748.25

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**AURORA
FOR THE YEAR 2003****APPROPRIATION****ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TWNWDE	\$2,190,603.00	\$1,043,800	\$1,146,803.00
GENERAL FUND-TOWN	\$804,567.00	\$614,700	\$189,867.00
HIGHWAY - TOWN	\$874,510.00	\$487,000	\$387,510.00
RISK RETENTION	\$0	\$0	\$0
SPECIAL GRANTS FUND	\$0	\$0	\$0
TOTAL TOWN & HWY	\$3,869,680.00	\$2,145,500	\$1,724,180.00
RUBBISH RES & REC	\$345,844.00	\$30,900	\$314,944.00
WATER DISTRICTS	\$737,665.00	\$319,419	\$418,246.00
FIRE PROTECTION	\$230,552.00	\$2,000	\$228,552.00
RUBBISH COLLECTION	\$66,905.00	\$2,000	\$64,905.00
LIGHTING DISTRICTS	\$19,700.00	\$1,350	\$18,350.00
SEWER DISTRICTS	\$131,389.00	\$105,939	\$25,450.00
AURORA-COLDEN FIRE	\$239,459.10	\$0	\$239,459.10
AURORA-WALES FIRE	\$110,325.54	\$0	\$110,325.54
DELINQUENT REFUSE	\$0	\$0	\$0
DELINQUENT WATER	\$4,351.64	\$0	\$4,351.64
TOTAL SPECIAL DST	\$1,886,191.28	\$461,608	\$1,424,583.28
GRAND TOTALS	\$5,755,871.28	\$2,607,108	\$3,148,763.28

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

BRANT
FOR THE YEAR 2003

APPROPRIATION

ESTIMATED
REVENUES

TAX LEVY

{PRIVATE }GENERAL FUND TOWNWIDE	\$607,220.00	\$259,375	\$347,845.00
GENERAL FUND- TOWN ONLY	\$144,220.00	\$144,220	\$0.00
HIGHWAY TOWNWIDE	\$175,100.00	\$113,100	\$62,000.00
HIGHWAY - TOWN ONLY	\$104,600	\$104,600	\$0.00
CAPITAL PROJECTS	\$0	\$0	\$0
TOTAL TOWN & HIGHWAY	\$1,031,140.00	\$621,295	\$409,845.00
FIRE PROTECTION DIST.	\$139,370.00	\$3,154	\$136,216.00
LIGHT DISTRICTS	\$27,190.00	\$6,190	\$21,000.00
LOTUS BAY SEWER	\$66,075.00	\$100	\$65,975.00
WATER DIST #1	\$28,930.00	\$6,930	\$22,000.00
OMITTED TAX	\$2,601.40	\$0	\$2,601.40
O.TAX – SPEC FRAN	\$0	\$0	\$0
BRANT-FARNHAM SWR	\$122,015.00	\$250	\$121,765.00
TOTAL SPECIAL DISTRICT	\$386,181.40	\$16,624	\$369,557.40

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

GRAND TOTALS	\$1,417,321.40	\$637,919	\$779,402.40

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

CHEEKTOWAGA**APPROPRIATION****ESTIMATED****TAX****LEVY****FOR THE YEAR 2003****REVENUES**

{PRIVATE }GENERAL FUND TOWNWIDE	\$33,703,156.00	\$10,100,764.00	\$23,602,392.00
GENERAL FUND- TOWN ONLY	\$934,858.00	\$934,858.00	\$0.00
RISK RETENSION FUND	\$1,963,200.00	\$1,963,200.00	\$0.00
GEN FUND SPEC ASSMNT	\$75,762.99	\$0	\$75,762.99
HIGHWAY FUNDS	\$7,813,939.00	\$6,059,642.00	\$1,754,297.00
DEBT SERVICE	\$5,134,631.00	\$5,134,631.00	\$0.00
TOTAL TOWN & HIGHWAY	\$49,625,546.99	\$24,193,095.00	\$25,432,451.99
CONSOLIDATED GARBAGE	\$7,570,350.00	\$761,000.00	\$6,809,350.00
GENERAL LIGHT	\$2,569,505.00	\$325,000.00	\$2,244,505.00
WATER DISTRICT	\$46,198.00	\$29,361.00	\$16,837.00
LEGAL SANITARY SEWER	\$0	\$0	\$0

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

STORM SEWER	\$554,391.00	\$21,118.00	\$533,273.00
SANITARY SEWER	\$9,490,047.00	\$2,146,620.00	\$7,343,427.00
HYDRANT DISTRICT	\$504,739.00	\$62,021.00	\$442,718.00
FIRE DISTRICTS	\$5,491,439.59	\$84,400.00	\$5,407,039.59
SEWER - LATERAL	\$521.00	\$0	\$521.00
OMITTED TAX	\$15,694.73	\$0	\$15,694.73
SIDEWALKS	\$5,347.57	\$0	\$5,347.57
DELINQUENT WATER	\$0	\$0	\$0
DEMOLITION	\$8,800.00	\$0	\$8,800.00
CLEAN UP DEBRIS	\$43,100.00	\$0	\$43,100.00
TOTAL SPEC ASSESSMNT	\$26,300,132.89	\$3,429,520.00	\$22,870,612.89
GRAND TOTALS	\$75,925,679.88	\$27,622,615.00	\$48,303,064.88

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

COLDEN
FOR THE YEAR 2003

APPROPRIATION

ESTIMATED
REVENUES

TAX LEVY

{PRIVATE }GENERAL FUND TOWNWIDE	\$804,407.00	\$784,240	\$20,167.00
HIGHWAY FUNDS	\$510,228.00	\$108,875	\$401,353.00
TOTAL TOWN & HIGHWAY	\$1,314,635.00	\$893,115	\$421,520.00

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

AURORA-COLDEN FIRE	\$32,540.90	\$0	\$32,540.90
COLDEN FIRE DISTRICT	\$361,400.00	\$0	\$361,400.00
REFUSE DISTRICT	\$174,844.00	\$8,400	\$166,444.00
COMMUNITY DEV FUND	\$10,000	\$10,000	\$0.00
LIGHTING DISTRICTS	\$29,480.00	\$200	\$29,280.00
OMITTED TAX	\$48.70	\$0	\$48.70
TOTAL SPECIAL DISTRICT	\$608,313.60	\$18,600	\$589,713.60
GRAND TOTALS	\$1,922,948.60	\$911,715	\$1,011,233.60

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

EDEN
FOR THE YEAR 2003

APPROPRIATION**ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TOWNWIDE	\$1,840,194.00	\$1,342,280.00	\$497,914.00
HIGHWAY FUNDS	\$1,051,903.00	\$228,000.00	\$823,903.00
TOTAL TOWN & HIGHWAY	\$2,892,097.00	\$1,570,280.00	\$1,321,817.00
WATER DISTRICT	\$103,529.82	\$988.18	\$102,541.64
FIRE PROTECTION DIST.	\$256,672.00	\$20,000	\$236,672.00
LIGHTING DISTRICTS	\$54,020.00	\$6,020.00	\$48,000.00
REFUSE & GARBAGE	\$369,203.00	\$15,159.00	\$354,044.00
HAMBURG WATER IMPV	\$3,132.52	\$0	\$3,132.52

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

AGRIC PENALTY	\$674.92	\$0	\$674.92
OMITTED TAX	\$1,721.95	\$0	\$1,721.95
DELINQ EVANS WTR	\$2,100.07	\$0	\$2,100.07
DRAINAGE	\$4,000.00	\$0	\$4,000.00
DELINQUENT WTR ECWA	\$936.37		\$936.37
DELINQUENT GARBAGE	\$208.25	\$0	\$208.25
TOTAL SPECIAL DISTRICT	\$796,198.90	\$42,167.18	\$754,031.72
GRAND TOTALS	\$3,688,295.90	\$1,612,447.18	\$2,075,848.72

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

ELMA
FOR THE YEAR 2003

APPROPRIATION**ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TOWNWIDE	\$1,847,126.00	\$1,847,126	\$0
HIGHWAY FUNDS	\$764,768.00	\$547,441	\$217,327.00
TOTAL TOWN & HIGHWAY	\$2,611,894.00	\$2,394,567	\$217,327.00
WATER DISTRICTS O&M	\$1,641,590.00	\$1,557,900	\$83,690.00
WATER DIST. CAP IMP.	\$0	\$0	\$0
FIRE PROTECTION DIST.	\$575,772.00	\$20,365	\$555,407.00
DRAINAGE DIST.	\$600.00	\$40	\$560.00
LIGHTING DISTRICTS	\$47,350.00	\$670	\$46,680.00

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

SEWER DISTRICTS	\$188,965.00	\$2,560	\$186,405.00
ENGINEERING SERVICES	\$0	\$0	\$0
SPRINGBROOK AWARD	\$35,000.00	\$0	\$35,000.00
TFPD SERV AWARD	\$104,000.00	\$0	\$104,000.00
UNPAID REFUSE	\$1,812.05	\$0	\$1,812.05
DELINQUENT WATER	\$3,540.40	\$0	\$3,540.40
TRUST & AGENCY (SPRINGBROOK FIRE)	\$279,902.00	\$4,002	\$275,900.00
TOTAL SPECIAL DISTRICT	\$2,878,531.45	\$1,585,537	\$1,292,994.45
GRAND TOTALS	\$5,490,425.45	\$3,980,104	\$1,510,321.45

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

EVANS **APPROPRIATION** **ESTIMATED** **TAX LEVY**
FOR THE YEAR 2003 **REVENUES**

{PRIVATE }GENERAL FUND TOWNWIDE	\$3,414,500.00	\$1,299,585.00	\$2,114,915.00
GENERAL FUND- TOWN ONLY	\$2,862,698.00	\$1,789,225.00	\$1,073,473.00
HIGHWAY FUNDS - TOWN ONLY	\$1,948,264.00	\$583,700.00	\$1,364,564.00
DEBT SERVICE	\$499,700.00	\$499,700.00	\$0.00
COMMUNITY DEVELOPMENT	\$100,000.00	\$100,000.00	\$0.00

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

RISK RETEN/INS RESERVE	\$350,000.00	\$350,000.00	\$0.00
HIGHWAY FUNDS - TOWNWIDE	\$10,000.00	\$500.00	\$9,500.00
TOTAL TOWN & HIGHWAY	\$9,185,162.00	\$4,622,710	\$4,562,452.00
REFUSE & GARBAGE COLLECTION	\$921,650.00	\$91,620.00	\$830,030.00
STREET LIGHTING	\$272,725.00	\$21,175.00	\$251,550.00
FIRE PROTECTION	\$720,030.00	\$13,000.00	\$707,030.00
HYDRANT	\$5,920.00	\$10.00	\$5,910.00
WATER DISTRICTS	\$2,154,752.00	\$2,011,806.00	\$142,946.00
DEMOLITION	\$3,177.50	\$0	\$3,177.50
FIRE DISTRICTS	\$484,450.00	\$42,300.00	\$442,150.00
DELINQUENT WATER	\$183,349.93	\$0	\$183,349.93
OMITTED TAX	\$0	\$0	\$0
EDEN WATER DIST	\$988.18	\$0	\$988.18
TOTAL SPECIAL DISTRICT	\$4,747,042.61	\$2,179,911	\$2,567,131.61
GRAND TOTALS	\$13,932,204.61	\$6,802,621	\$7,129,583.61

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**GRAND ISLAND
FOR THE YEAR 2003****APPROPRIATION****ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TOWNWIDE	\$4,879,173.00	\$3,322,822	\$1,556,351.00
HIGHWAY FUNDS	\$1,656,017.00	\$285,526	\$1,370,491.00
DEBT SERVICE	\$1,500,601.00	\$1,500,601	\$0
TOTAL TOWN & HIGHWAY	\$8,035,791.00	\$5,108,949	\$2,926,842.00
WATER DISTRICTS	\$2,305,157.00	\$1,671,385	\$633,772.00
FIRE PROTECTION DIST.	\$697,752.00	\$11,691	\$686,061.00
GARBAGE	\$715,600.00	\$15,450	\$700,150.00
LIGHTING DISTRICTS	\$154,049.00	\$11,798	\$142,251.00
SEWER DISTRICTS	\$2,398,755.00	\$1,987,964	\$410,791.00
DELINQUENT	\$468,509.00	\$0	\$468,509.00
OMITTED TAX	\$697.72	\$0	\$697.72
MISCELLANEOUS	\$1,788.00	\$0	\$1,788.00
TOTAL SPECIAL DISTRICT	\$6,742,307.72	\$3,698,288	\$3,044,019.72
GRAND TOTALS	\$14,778,098.72	\$8,807,237	\$5,970,861.72

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE****NEWSTEAD
FOR THE YEAR 2003****APPROPRIATION****ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TOWNWIDE	\$1,334,924	\$762,400	\$572,524.00
GENERAL FUND-TOWN ONLY	\$98,364.00	\$98,364	\$0.00
HIGHWAY FUND TOWNWIDE	\$4,155.00	\$500	\$3,655.00
HIGHWAY FUND-TOWN ONLY	\$653,888.00	\$653,888	\$0.00
TOTAL TOWN & HIGHWAY	\$2,091,331.00	\$1,515,152	\$576,179.00
WATER DIST CAP & O M	\$523,739.00	\$76,400	\$447,339.00
DELINQUENT SEWER	\$510.16	\$0	\$510.16
REFUSE/GARBAGE	\$222,588.00	\$9,508	\$213,080.00
FIRE PROTECTION DIST.	\$323,167.00	\$2,500	\$320,667.00
DELINQUENT WATER	\$2,491.80	\$0	\$2,491.80
DELINQUENT REFUSE	\$78.75	\$0	\$78.75
DELINQUENT ECWA WTR	\$190.47	\$0	\$190.47
SEWER DISTRICT	\$21,425.00	\$21,425	\$0.00
TOTAL SPECIAL DISTRICT	\$1,094,190.18	\$109,833	\$984,357.18
GRAND TOTALS	\$3,185,521.18	\$1,624,985	\$1,560,536.18

RESOLVED that the following abstracts of the adopted town budgets for the ensuing year, as certified and presented to this Legislature by the appropriate town officers, be printed by the Clerk in the minutes of the proceedings of this Legislature, and be it further{PRIVATE }

RESOLVED that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and liable therefore, and be it further

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

RESOLVED that the Commissioner of Finance is hereby directed to spread said taxes to be raised for such budgets against the taxable property liable therefore provided by law :

**WALES
FOR THE YEAR 2003****APPROPRIATION****ESTIMATED
REVENUES****TAX LEVY**

{PRIVATE }GENERAL FUND TOWNWIDE	\$498,821.00	\$478,419	\$20,402.00
HIGHWAY FUNDS	\$305,109.00	\$208,204	\$96,905.00
TOTAL TOWN & HIGHWAY	\$803,930.00	\$686,623	\$117,307.00
FIRE PROTECTION	\$108,445.00	\$500	\$107,945.00
AURORA WALES FIRE DST	\$74,650.01	\$0	\$74,650.01
LIGHT DISTRICT #1	\$4,298.00	\$0	\$4,298.00
LIGHT DISTRICT #2	\$2,400.00	\$100	\$2,300.00
OMITTED TAX	\$0	\$0	\$0
AGRIC PENALTY	\$0	\$0	\$0
REFUSE DISTRICT	\$149,560.00	\$16,000	\$133,560.00
TOTAL SPECIAL DISTRICT	\$339,353.01	\$16,600	\$322,753.01
GRAND TOTALS	\$1,143,283.01	\$703,223	\$440,060.01

MR. LARSON moved the approval of item #1.d. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 25 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

April 7, 2003

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 5

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FALKNER. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received and filed.

- | | | | | |
|----|---|------|-------|--------------|
| | Item | Page | -2003 | (Comm. 6M-7) |
| a. | CITY OF BUFFALO: Copy of Resolution Re: County Reimbursement for Maintenance of City\County Roads. | | | |
| | (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member. | | | |

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 2. | Item | Page | -2003 | (Comm. 6E-12) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the 2001 Erie County adopted capital budget, Account No. 410243 includes \$292,000 for the design and construction of the Erie Canalway Trail Project; and

WHEREAS, the New York State Capital Corporation, through a Memorandum of Agreement with the County of Erie dated June 11, 2001, will provide up to \$292,000 as reimbursement for this project; and

WHEREAS, by Resolution Comm. 14E-48 enacted July 5, 2001 the Erie County Legislature authorized executing a contract for design and construction inspection services with Peter J. Smith and Company for said project for a fee not to exceed \$220,000; and

WHEREAS, additional services for graphic design are required to complete said project.

NOW, THEREFORE, BE IT

RESOLVED, that said contract with Peter J. Smith and Company be amended to establish a new fee not to exceed \$225,000; and be it further

RESOLVED, that the sum of \$5,000 is hereby transferred from Account 951, General Construction Contracts, to Account 950, Professional Service Contracts within the budget of the Erie Canalway Trail Capital Project (SFG No. 243); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the County Comptroller, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Parks, Recreation and Forestry, and the Commissioner of Public Works.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 3. | Item | Page | -2003 | (Comm. 6E-22) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, the Department of Public Works received bids for the EC Courts Master Plan Implementation Renovations on May 22, 2002, and

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in an amount not to exceed \$42,731,953.00, and

WHEREAS, during the Demolition Phase, additional asbestos containing material was discovered, and

WHEREAS, additional costs for asbestos removal, testing and air monitoring were incurred, and

WHEREAS, additional funding is necessary for the renovation to the existing freight elevator not included in the construction contracts, and

WHEREAS, the DPW Consultant Contracts with John C. Loffredo, P.E., Emil Redlinski and Fredrick C. Lupp, P.E. need to be extended to the completion of the project,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$1,220,000 from \$4,623,195 to \$5,843,195, with authorization for the Commissioner of Public Works to approve change orders, not to exceed the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that Owner's, Architect/Engineer, Construction Managers, and miscellaneous contingency in the amount of \$210,000 be reallocated as follows:

\$100,000 for additional site inspections for contractors working a second shift;

\$110,000 for extension of consultant contracts for John C. Loffredo, P.E., Emil Redlinski, and Fredrick C. Lupp, P.E., and be it further,

RESOLVED, that the Owner's, Architect/Engineer's, Construction Manager's and miscellaneous contingency within Project 164, Fund 410, in the amount of \$1,100,000 and Courts elevators Project 271, Fund 441, in the amount of \$330,000.00 be reallocated to the construction contingency and DPW Consultant contracts to cover the increased costs, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of Courts Administration. (5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

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WHEREAS, the Department of Public Works received bids for the Roof Replacement, Main Axial Corridor at the Erie County Medical Center & Roof Repair, Convention Center, on February 14, 2003, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidders, Progressive Roofing & Weaver Metal & Roofing, Inc. in the amount of \$258,104, and

WHEREAS, during the course of work, it was discovered that due to unforeseen conditions, additional work was required to complete the work, an additional \$2,000 funding to the construction contingency was required,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$2,000 to a new total amount of \$32,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Project 197, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

5. Item Page -2003 (Comm. 7E-17)

COUNTY EXECUTIVE

WHEREAS, engineering design services are required for Emery Park Waterline Installation, Phase II, and

WHEREAS, the firm of Donald Gallo, P.C. presently has a contract with the County of Erie to provide design services for Emery Park Waterline, Phase I,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Donald Gallo, P.C. on a percentage of construction basis, not to exceed \$70,000, including testing, reimbursables, inspection and miscellaneous expenses relative to the engineering design services required for the Emery Park Waterline Installation, Phase II, and be it further,

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RESOLVED, that the \$70,000 fee allocation be taken from the 2002 Emery Park Waterline Installation, Phase II bond account, Project 303, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to Budget Management & Finance, one copy to the Office of the Comptroller; and one copy to the Department of Parks & Recreation.
(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

6. Item Page -2003 (Comm. 7E-23)

COUNTY EXECUTIVE

WHEREAS, Isle View Park in the City of Tonawanda is a popular year-round destination for many community members, sports fishermen, outdoor enthusiasts, and Erie County residents as a whole, and

WHEREAS, the Riverwalk in Isle View Park offers Erie County residents a safe and aesthetically pleasing surrounding, and

WHEREAS, when the Riverwalk is plowed during the winter months, it is used by people for health reasons as well as recreational purposes, and

WHEREAS, the county's responsibility of the 8-mile portion of the Riverwalk passes through both Niwanda Park and Isle View Park and extends to Aqua Lane on the way down to the Ontario Boat Launch until the foot of Porter Avenue, and

WHEREAS, an agreement was reached between the County of Erie and the City of Tonawanda to extend its plowing services an additional 1.2 miles beyond its city/town border to cover the county's portion of the Riverwalk, and

WHEREAS, snowplowing services will take place whenever the City of Tonawanda plows its own portion of the Riverwalk, following any appreciable amounts of snowfall during the 2003-2004 winter season, and

WHEREAS, contracting with the City of Tonawanda to plow the Riverwalk beyond its city limits, into Isle View Park will end the duplication of services, save taxpayer dollars, and allow extended use of a public facility, which otherwise would be a seasonal attraction

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be hereby authorized to enter into a contract with the City of Tonawanda in the amount of \$35,000 to extend its snowplowing services to the county portion the Riverwalk in Isle View Park, and be it further

RESOLVED, that the funds for this contract be drawn from the following account:

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<u>From:</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
110 904 303 830 1299	Regionalism & Economic Development Fund	(\$35,000)
<u>To:</u> <u>Account</u>	<u>Description</u>	<u>Amount</u>
110 904 303 830 0863	City Tonawanda Snow Removal	\$35,000

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Office of the Comptroller; the Division of Budget, Management & Finance; the Department of Public Works; and the City of Tonawanda Mayor's Office, 200 Niagara Street, Tonawanda, NY 14150.

(5-0) Legislator Falkner absent. Chairman Swanick present as Ex-Officio Member.

MICHAEL H. RANZENHOFER
CHAIRMAN

MR. RANZENHOFER moved to separate item #6 and moved the approval of the balance of the report. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved the approval of item #6. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 26 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

April 7, 2003

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 5

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE**

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

	Item	Page	-2003	(Comm. 6M-10)
a.	CITY OF BUFFALO: Copy of Resolution Re: Clean Air Act. (5-0)			

	Item	Page	-2003	(Comm. 7D-4)
b.	DEP: SEQR – Solicitation for Lead Agency Status – Project No. C617-03-224. (5-0)			

	Item	Page	-2003	(Comm. 7M-6)
c.	NYS DEPARTMENT OF AGRICULTURE & MARKETS: Landowner Proposals for Inclusion of Viable Agricultural Land in Existing Certified Agricultural District. (5-0)			

2.

Item	Page	-2003	(Comm. 7E-18)
COUNTY EXECUTIVE			

WHEREAS, the County, Southtowns Sewage Treatment Agency/Erie County Sewer District No. 3 (ECSD #3) and the Village of Blasdell desire to amend the ECSD #3/Southtowns Sewage Treatment Agency Budget to include the Village of Blasdell; and

WHEREAS, discussions have been held over the past year with representatives of the County and the Village of Blasdell identifying the cost effectiveness of consolidating ECSD #3/Southtowns Sewage Treatment Agency with the Village of Blasdell and preparing an amended 2003 Budget; and

WHEREAS, agreements have been executed between the County on behalf of ECSD #3 and the Southtowns Sewage Treatment Agency, and the Village of Blasdell to consolidate sewer operations which have been previously approved by the Erie County Legislature; and

WHEREAS, an amendment of the Budget, which was approved by the Legislature in November 2002, is necessary to apportion costs and offsetting revenues based on the inclusion of the Village of Blasdell; and

WHEREAS, included in the costs are one upgrade of a current position and creation of six new positions needed to take over the additional job duties as a result of the consolidation; and

WHEREAS, the Budget in the pertinent Expense & Revenue DAC Codes must be increased accordingly.

NOW, THEREFORE, BE IT

RESOLVED, that it is hereby approved to amend the ECSD #3/Southtowns Sewage Treatment Agency Budget to include the Village of Blasdell with an overall increase in

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appropriations and revenues of \$318,557 as shown on the attached Amended Budget sheets; and be it further

RESOLVED, that the creation of six new positions and the upgrading of one current position are also approved as follows:

1. Create one Sr. Wastewater Treatment Plant Operator, JG 9
2. Create one Sewer Maintenance Worker, JG 7
3. Create one Wastewater Treatment Plant Operator II, JG 6
4. Create one Maintenance Worker – Sewerage, JG 5
5. Create two (2) Seasonal Laborers – Hrly.
6. Upgrade the Chief of Maintenance from JG 12 to JG 13

to transfer existing personnel of the Village and to allow for continual cost effective, efficiently run operations and to provide treatment and maintain the sewers for the Village of Blasdell; and be it further

RESOLVED, that the Department of Environment and Planning be authorized to underfill the newly created positions with Laborer and/or Wastewater Treatment Plant Operator Trainee positions, if necessary to help effectuate the transfer of the employees from the Village of Blasdell; and be it further

RESOLVED, that the total increase in budget of \$318,557 be placed and distributed among pertinent Expense and Revenue DAC Codes for Fund 220, Project 853, Department 830, and Fund 220, Project 853, Departments 831 and 832, as follows:

<u>DAC Code (Expense)</u>	<u>Amount of Budget Increase</u>
220 853 830 800 Personal Svcs.	\$100,563
“ “ “ 801 Overtime	\$ 7,911
“ “ “ 805 Fringe Benefits	\$ 25,677
“ “ “ 811 Clothing Supplies	\$ 919
 <u>DAC Code</u>	 <u>Amount of Budget Increase</u>
220 853 830 816 Mainten. Supplies	\$ 36,166
“ “ “ 820 Utility	\$ 700
“ “ “ 821 Dues & Fees	\$ 2,567

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“	“	“ 823 Repairs & Maint.	\$ 11,667
“	“	“ 826 Other Expenses	\$ 8,750
“	“	“ 830 Contractual	\$ 31,004
“	“	“ 832 General Liability	\$ 11,667
“	“	“ 880 2211 Util. Ent. Fund	\$ 30,420
“	“	“ 880 3110 Inter-Undistr. Countywide Expense	\$ 2,917
“	“	“ 880 5100 Interfund DISS	\$ 10,879
“	“	“ 882 8500 Interfund DSM	\$ 36,750

<u>DAC Code (Revenue)</u>	<u>Amount of Budget Increase</u>
---------------------------	--------------------------------------

220 853 831 549 0145 Blasdel	\$239,411
220 853 832 549 0145 Blasdel	\$ 91,046

<u>Amount of Budget Decrease</u>

220 853 831 698 0105 Use of Fund Balance	\$ 11,900
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RESOLVED, that certified copies of the approved Resolution is sent to Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department, the County Comptroller and the Erie County Budget Office.
(5-0)

3. Item Page -2003 (Comm. 7E-21)
COUNTY EXECUTIVE

WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

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WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the National Association of Counties has awarded Erie County two grants totaling \$4,500 to perform radon awareness activities for the citizens of Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept two grants totaling \$4,500 from the National Association of Counties (NACo) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the NACo Indoor Air Quality Coalition and Model County Grant Program is hereby established as follows:

REVENUES:

Account	Description	
640-0400	Federal Aid - NACo	
	▪ Indoor Air Coalition Initiative	\$2,500
	▪ Indoor Air Model County Program	<u>\$2,000</u>
Total		\$4,500

APPROPRIATIONS:

Account	Description	
814	Lab Technical Supplies	\$1,400
826	Other	1,100
830	Contractual Services	<u>2,000</u>
Total		\$4,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

DALE W. LARSON
CHAIRMAN

MR. LARSON moved the approval of the resolution. MR. McCARVILLE seconded.

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CARRIED UNANIMOUSLY.

Item 27 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

April 7, 2003

HUMAN SERVICES
COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CUSACK. CHAIRMAN SWANICK
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

	Item	Page	-2002	(Comm. 7M-17)
a.	EC BOARD OF HEALTH: Copy of Letter to Chairman DeBenedetti Re: Draft Resolution in Support of Amending EC Clean Indoor Air Act of 1996.			
	(5-0) Legislator Cusack absent. Chairman Swanick present as Ex-Officio Member.			

	Item	Page	-2002	(Comm. 13M-8)
b.	UB DEPARTMENT OF MEDICINE: Copy of Letter to Legislator Fisher Re: 2 nd Quarter Report on CDC Grant on Asthma at US – Canada Gateway.			
	(5-0) Legislator Cusack absent. Chairman Swanick present as Ex-Officio Member.			

	Item	Page	-2002	(Comm. 14E-6)
c.	FISHER: Copy of Letter to Chairman DeBenedetti Re: Erie County Clean Air Act Review Committee.			
	(5-0) Legislator Cusack absent. Chairman Swanick present as Ex-Officio Member.			

2.	Item	Page	-2003	(Comm. 5E-13)
	COUNTY EXECUTIVE			

WHEREAS, the New York State Department of Health has awarded a revised contract for the Erie County Department of Health to continue a program to provide HIV training services and technical assistance to Western New York health and human services providers and community members to provide the knowledge and skills to protect the Western New York community from HIV infection and provide care to those living with HIV/AIDS, and

WHEREAS, this training focus will assist the New York State Department of Health in meeting its goal of HIV prevention and care, and

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WHEREAS, funding will also be used to implement the Expanded Syringe Access Program (ESAD) throughout Erie County, and

WHEREAS, the Expanded Syringe Access Program will provide individuals who have medical conditions requiring at home use of sharps, to safely dispose of them and to provide those individuals with information on how they can replace their sharps at a minimal fee.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an amended contract with the New York State Department of Health to provide services which are budgeted as follows:

WESTERN REGIONAL TRAINING GRANT**07/01/02 - 06/30/03****PROJECT # 706**

<u>SFG</u>	<u>REVENUE</u>	<u>CURRE</u>	<u>BUDGET</u>	CHANGES	<u>REVISED</u>	<u>BUDGET</u>
553	STATE AID	\$	115,000	\$	0	\$115,000
	TOTAL	\$	115,000	\$	0	\$ 115,000

EXPENSES

800	PERSONAL SERVICES	\$	65,496	-\$12,123	\$	53,373
805	FRINGE BENEFITS		20,107	-5,549		14,558
810	OFFICE SUPPLIES		4,500	-3,000		1,500
824	TRAVEL & MILEAGE		4,500	-3,500		1,000
825	OUT OF AREA TRAVEL		5,000	6,500		11,500
826	OTHER EXPENSES		15,097	4,972		20,069
830	CONTRACTUAL SERVICES		300	200		500
932	OFFICE EQUIPMENT		0	2,500		2,500
933	LAB AND TECH EQUIPMENT		0	10,000		10,000
	TOTAL	\$	<u>115,000</u>	\$	<u>0</u>	<u>\$ 115,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.

(5-0) Legislator Cusack absent. Chairman Swanick present as Ex-Officio Member.

MEETING NO. 8**April 10, 2003****ERIE COUNTY LEGISLATURE****COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (C-1) grant for the period January 1, 2003 to December 31, 2003, and

WHEREAS, the Department of Senior Services (Department) continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County, and

WHEREAS, the Department recommends that a new congregate dining site, located at the Baptist Manor Senior Apartments, be added to the Stay Fit Dining program, and

WHEREAS, the Department anticipates that 35 seniors will be served daily, and

WHEREAS, the Department desires to contract with the sponsor, Two Hundred Seventy Two to Two Hundred Eighty Linwood Ave. Inc., to begin serving meals on May 5, 2003, and

WHEREAS, the County budget for this grant is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Two Hundred Seventy Two to Two Hundred Eighty Linwood Ave. Inc., effective May 5, 2003 through December 31, 2003, and be it further

RESOLVED, that the budget for the C-1 grant, Project 762, be revised as follows:

		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
APPROPRIATIONS				
<u>Account</u>	<u>Description</u>			
830/385	Other Projected Agencies	\$9,780	-\$ 1,100	\$8,680
830/xxx	272-280 Linwood Ave. Inc.	0	1,100	1,100
TOTAL CHANGE			\$ 0	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney and the Department of Senior Services.

(5-0) Legislator Cusack absent. Chairman Swanick present as Ex-Officio Member.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MR. WEINSTEIN moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 28 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

Re: NYS Enhanced Star Exemption.
(Intro. 8-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
WEINSTEIN, CUSACK, FALKNER, SWANICK, RANZENHOFER,
McCARVILLE, LARSON & CHASE

WHEREAS, The Enhanced STAR exemption is available to senior citizens (age 65 and older) with yearly household incomes not exceeding the statewide standard of \$62,100, and

WHEREAS, under new 2003 state guidelines, which developed a uniform standard, an applicant's 2001 income, based on their 2001 income tax return is used to calculate eligibility in the 2003-2004 school year, and

WHEREAS, in past years senior citizens were permitted to use their most recent year's tax return when applying for the enhanced STAR exemption, and

WHEREAS, the uniform standards offer no exemption for senior citizens who experienced a decrease in their adjusted gross income from tax year 2001 to tax year 2002, and

WHEREAS, many senior citizens who were not eligible based on their 2001 income tax return would be eligible for tax breaks in the 2003-2004 if they were permitted to use their completed and filed 2002 income tax return, and

WHEREAS, in these difficult financial times it is imperative that we offer our senior citizens every opportunity to take part in tax incentives,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is committed to providing intelligent tax relief to our residents, and

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RESOLVED, that this Honorable Body urges New York State to pass and Governor George Pataki to sign into law Assembly bill A05085, which would allow senior citizens to use their most recent income tax return as proof of eligibility for the Enhanced Star Exemption, and

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, and the Western New York delegation of the New York State Legislature.

Fiscal Impact: NONE

MR. RANZENHOFER moved to amend the resolution to include Et Al Sponsorship. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 29 – CHAIRMAN SWANICK directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 8-2 From LEGISLATORS HOLT, SMITH & FISHER Re: Requesting the Presence of Commissioner Billittier to Explain EC's Response to Severe Acute Respiratory Syndrome (SARS).

Item 30 – CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 8-3 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Calling for 2003 – 04 ECC Pre-Budget Discussion.

Item 31 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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Intro. 8-4 From LEGISLATORS HOLT, KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, SMITH, DUSZA & MARINELLI Re: Support for Reinstatement of NYS Funding for Education.

Item 32 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

Re: Consideration for Public Benefit Funding.
(Intro. 8-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Niagara County – Planning & Development (2003: A Fish Odyssey)	\$5,000	SWANICK

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. SMITH presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

Re: Consideration for Public Benefit Funding.
(Intro. 8-6)

A RESOLUTION SUBMITTED BY
LEGISLATOR SMITH

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Buffalo Arts Studio	\$2,000	SMITH
Phillips Community Center	\$3,000	SMITH
Masten Boys and Girls Club	\$2,000	SMITH
Langston Hughes Center	\$3,000	SMITH
Ujima Theatre	\$3,000	SMITH
Group Ministries	\$1,500	SMITH

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African American Cultural Center	\$19,000	SMITH
Buffalo Green Fund Daffodil Program	\$1,500	SMITH
Jusendo	\$20,400	SMITH
Gloria J. Parks Community Center	\$1,500	SMITH
Back to Basics Outreach Ministry	\$2,000	SMITH
Buffalo Urban League	\$1,500	SMITH
NICYO	\$24,500	SMITH
Masten Block Club Coalition	\$7,500	SMITH
Metro Community Development Center	\$55,600	SMITH
Olmsted Park	\$2,000	SMITH
TOTAL	\$150,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MR. SMITH moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

Re: Transfer of Public Benefit Funds.
(Intro. 8-7)

A RESOLUTION SUBMITTED BY
LEGISLATOR SCHROEDER

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

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WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$143,500 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
ABLEY	830/0304	\$15,000	SCHROEDER
AmeriCorps (W. Seneca Youth Bureau)	830/1538	\$12,000	SCHROEDER
Iron Island Preservation Society	830/0676	\$2,500	SCHROEDER
NHS of South Buffalo	830/1587	\$22,596	SCHROEDER
Old First Ward Community Center	830/0671	\$10,000	SCHROEDER
South Buffalo Community Association	830/1052	\$81,404	SCHROEDER
TOTAL		\$143,500	

And be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl – First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: Appropriation of 2003 budgeted funds

MR. SCHROEDER moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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Item 35 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHALLENGE THE CHAIR.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER & SMITH. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZNEHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 8.415 – 8.585)

Intro. 8-8 From LEGISLATOR DALE Re: Authorizing Publication of Legislative Newsletter.

Item 36 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 8-9 From LEGISLATOR SMITH Re: Calling for a Discussion on the Issuance of Warrants to Absentee Landlords.

Item 37 – MR. RANZNEHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

Re: Consideration for Public Benefit Funding.
(Intro. 8-10)

A RESOLUTION SUBMITTED BY
LEGISLATORS RANZENHOFER & WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Williamsville North & South Post Prom	\$1,000	RANZENHOFER
Williamsville North & South Post Prom	\$1,000	WEINSTEIN
TOTAL	\$2,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Williamsville North & South Post Prom	\$1,000	RANZENHOFER
Williamsville North & South Post Prom	\$1,000	WEINSTEIN
Amherst Girls Softball	\$2,000	WEINSTEIN
Muddpies	\$1,200	WEINSTEIN
North Amherst Fire Company	\$5,000	WEINSTEIN

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Amherst Drug Court	\$2,000	WEINSTEIN
Amherst Drug Court	\$4,000	RANZENHOFER
Amherst Drug Court	\$4,000	CUSACK
Clarence Soccer Club, Inc.	\$3,000	RANZENHOFER
Rural Metro (CPR Classes)	\$1,045	MAJORITY
Elm Research Institute	\$1,000	WEINSTEIN
Elm Research Institute	\$1,365	CHASE
Elm Research Institute	\$1,365	CUSACK
Elm Research Institute	\$1,365	McCARVILLE
Elm Research Institute	\$1,365	SWANICK
Empire State Games	\$5,000	LARSON
TOTAL	\$35,705	

MR. RANZENHOFER moved the approval of the resolution as amended. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

Re: Consideration for Public Benefit Funding.
(Intro. 8-11)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

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<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Town of Tonawanda Youth, Parks & Recreation	\$20,000	MARINELLI
Hertel North Park Youth Baseball League	\$20,000	MARINELLI
TOTAL	\$40,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Town of Tonawanda Youth, Parks & Recreation	\$20,000	MARINELLI
Hertel North Park Youth Baseball League	\$20,000	MARINELLI
University Heights Community Development Association, Inc.	\$9,977	MARINELLI
TOTAL	\$49,977	

And be it further

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MS. MARINELLI moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. FISHER presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

Re: Consideration for Public Benefit Funding.
(Intro. 8-12)

A RESOLUTION SUBMITTED BY
LEGISLATOR FISHER

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Boys & Girls Clubs of Buffalo	\$10,000	FISHER
Buffalo in Bloom	\$1,000	FISHER
Gilda's Club WNY	\$5,000	FISHER
The Avenue Association -- Distinctly Delaware Inc.	\$5,000	FISHER
Buffalo & EC Botanical Gardens Society, Inc.	\$10,000	FISHER
Forever Elmwood Inc.	\$500	FISHER
TOTAL	\$31,500	

And be it further

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RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Kelly A. Wahl– First Administrative Assistant Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MS. FISHER moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Boys & Girls Clubs of Buffalo	\$10,000	FISHER
Buffalo in Bloom	\$1,000	FISHER
Gilda's Club WNY	\$5,000	FISHER
The Avenue Association -- Distinctly Delaware Inc.	\$5,000	FISHER
Buffalo & EC Botanical Gardens Society, Inc.	\$10,000	FISHER
Forever Elmwood Inc.	\$500	FISHER
Cheektowaga Police Department	\$5,000	DUSZA
TOTAL	\$36,500	

And be it further

MS. FISHER moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 40 – CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

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GRANTED.

Intro. 8-13 From LEGISLATORS LARSON, SWANICK, RANZENHOFER, FALKNER & CUSACK Re: Requesting NYS Broaden the Definition of "Beverage" for Purposes of Deposit.

Item 41 – MR. HOLT presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Re: Consideration for Public Benefit Funding.
(Intro. 8-14)

A RESOLUTION SUBMITTED BY
LEGISLATOR HOLT

WHEREAS, the 2003 adopted Erie County Budget contains 2002 Budget Resolutions (Book C, Pages R-1 & R-2) which authorize the transfer of funds from the 2001 reappropriations and the 2002 appropriations in Account 830-1295 Adelphia Parking to several accounts for use in 2003, and

WHEREAS, Erie County Legislature Intro. 7-5 (2003) authorized public benefit funding applications be forwarded to a number of agencies listed to receive funds as per the 2002 Budget Resolutions in the 2003 adopted Erie County budget, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Public Benefit Administrator Kelly A. Wahl to send an application for Public Benefit Funding to the following organizations:

<u>NAME/DAC</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Buffalo & Erie County Historical Soc. - Amistad Project DAC: 1109213018301649	\$25,000	HOLT

and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Kelly Wahl

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– First Administrative Assistant Erie County Legislature, and Assistant County Attorney Greg Dudek.

Fiscal Impact: Appropriation of 2003 budgeted funds.

MR. HOLT moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

DELETE the RESOLVE clauses in their entirety and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive via the Department of Environment & Planning to enter into contract with the Buffalo & Erie County Historical Society – Amistad Project for \$25,000 allocated in DAC: 1109213018301649, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Commissioner of the Department of Environment & Planning Laurence K. Rubin and Assistant County Attorney Greg Dudek.

DELETE the Fiscal Impact statement and REPLACE with the following:

Fiscal Impact: None.

MR. HOLT moved the approval of the resolution as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

*** See page 586 for further action on this item.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 42 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 7E-11. MR. RANZENHOFER seconded. MR. DALE, MR. DeBENEDETTI, MS. FISHER, MR. HOLT, MS. MARINELLI, MR. SCHROEDER & MR. SMITH in the negative.

CARRIED. (WEIGHTED VOTE: 10.547 – 6.453)

Re: Bond Resolution – Various Capital Projects
– \$41,736,757.

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MR. HOLT moved to send the resolution back to committee. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, FISHER, HOLT, MARINELLI, SCHROEDER & SMITH.
NOES: DUSZA, KUWIK, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE,
RANZENHOFER, SWANICK & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 6.453 – 10.547)

MR. LARSON moved the approval of the resolution. MR. RANZENHOFER seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DUSZA, KUWIK, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE,
RANZENHOFER, SWANICK & WEINSTEIN. NOES: DALE, DeBENEDETTI, FISHER, HOLT,
MARINELLI, SCHROEDER & SMITH.

FAILED. [WEIGHTED VOTE: 10.547 – 6.453 (DID NOT MEET REQUIRED 11.339
THRESHOLD.)]

Received and filed.

Item 43 – MS. CUSACK moved to discharge the COMMUNITY ENRICHMENT
COMMITTEE from further consideration of Comm. 7E-13. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

Re: Erie County 2003 Sport Fishery Program.

WHEREAS, the Erie County Department of Environment and Planning, for the last few years, has provided oversight and guidance regarding the development of a program to promote Erie County's abundant and high quality sport fishing resources, with the intent to increase awareness and to maximize the recreational opportunities and tourism potential associated with developing the sport fishing business in Erie County; and

WHEREAS, because sport fishing can and should be a significant component in enhancing the business of recreational tourism in this County and region, and therefore there is a need to increase awareness and appreciation for sport fishing opportunities in Erie County for our residents, and to increase visits to our County and region by individuals who want to participate in sport fishing activities; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau (BNCVB) has agreed to develop this 2003 sport fishery promotion program in cooperation with Erie County because such a

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sport fishery program is supportive and consistent with the BNCVB's mission to promote our many high quality tourism resources in Erie County and the Buffalo Niagara Region,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement for the year 2003 with the Buffalo Niagara Convention and Visitors Bureau for an amount not to exceed \$50,000 for the purpose of undertaking a 2003 Sport Fishing Promotion Program in Erie County; and be it further

RESOLVED, that the source of funds for the contract shall include monies appropriated as follows: \$50,000 – Fund 110, Project 945, Department 620 – Department of Environment and Planning, Account 830, sub-account 0764, Sport Fishery Promotion Program; and be it further

RESOLVED, that said agreement shall be for continuing the Erie County Sport Fishing Promotion Program initiated in 2000 in Erie County; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller, the Director of the Division of Budget, Management, and Finance, and Richard Geiger, President/CEO of the Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, NY 14203.

MS. CUSACK moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. CUSACK moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 7E-22. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

Re: Funding for Buffalo Niagara Cultural Tourism Initiative.

WHEREAS, Erie County has been requested to provide funding assistance in the amount of \$75,000 for a public-private sector cultural tourism initiative that is being guided by a Steering Committee composed of representatives from the County and region who understand and appreciate the real and potential value of developing Erie County's and this region's cultural tourism potential; and

WHEREAS, these County funds will be combined with other private sectors funds to further the research and study efforts of nationally recognized consultants that will work directly with the local project manager selected for this project, the University of Buffalo's Institute for Local Governance and Regional Growth, in developing a strategy and supportive framework that can enhance the business of cultural tourism in our County and region; and

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WHEREAS, given Erie County's leadership role in providing funds to cultural and cultural tourism related organizations, which has averaged more than \$8 million annually since 2000, it is appropriate and important that the County be part of this important regional cultural tourism effort that is intended to provide cultural venues with greater promotional capabilities and administrative efficiencies, and significantly increase earned revenues and sales tax revenues to the County and region; and

WHEREAS, the Buffalo State College Foundation, Inc. is the fiduciary agent for this regional cultural tourism initiative,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the Buffalo State College Foundation, Inc., in the amount of \$75,000, for this regional cultural tourism initiative; and be it further

RESOLVED, that funds in the amount of \$75,000 are hereby transferred from the Regionalism/ Economic Development Fund (DAC 110 9043038301299) to the following new sub-account under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning: Buffalo Niagara Cultural Tourism Initiative (Buffalo State College Foundation, Inc.) - \$75,000; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget, Management and Finance; Thomas Baker, Executive Director, John R. Oishei Foundation, 1 HSBC Center, Suite 3650, Buffalo, NY 14203; Carolyn Morris-Hunt c/o Buffalo State College Foundation Inc., 1300 Elmwood Avenue, Buffalo NY 14222.

MS. CUSACK moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 45 – MR. RANZENHOFER moved for a suspension of the rules to include an item not on the agenda. MR. FALKNER seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

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Comm. 8E-24 From the COUNTY EXECUTIVE Re: Reconstitution of ECMC as a Public Benefit Corporation.

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. HOLT seconded.

GRANTED.

CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 8-15 From LEGISLATORS MARINELLI, HOLT, SMITH, FISHER, DeBENEDETTI & SCHROEDER Re: In Support of Diversity in Media Ownership.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 47 – (Comm. 8E-1) Response to Legislator DeBenedetti Re: County's Bonded Indebtedness.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

Re: Bond Resolution - \$2,100,000 – Increase &
Investment of Facilities of ECSD No. 2.
(Comm. 8E-2)

RESOLUTION NO. 138-2003

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,100,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,100,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE

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OF \$2,100,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) _____, 2003

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated March 20, 2003, an increase and improvement of facilities for Sewer District No. 2 has been approved at a estimated maximum cost of \$2,100,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$2,100,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 2, consisting of the acquisition and installation of a new disinfection system at the Big Sister Creek Waste Water Treatment Plant and the reconstruction of approximately 4,500 linear feet of sewer line, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on December 19, 2002, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,100,000. The plan of financing includes the issuance of \$2,100,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No. 2.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$2,100,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$2,100,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

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Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: DALE, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN.

CARRIED UNANIMOUSLY.

Item 49 – (Comm. 8E-3) Bond Resolution - \$500,000 – Construction of Improvements to ECSD No. 3.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 8E-4) EC Sport Fishery Promotion Program – 2002 Annual Report.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 51 – (Comm. 8E-5) Copy of Letter to Congresswoman Slaughter Re: Public Safety Training.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE & COMPTROLLER

Item 52 – (Comm. 8E-6) Purchasing Card Program.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 53 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 139

Re: Erie County Home Roof Replacement &
Exterior Building Rehabilitation.
(Comm. 8E-7)

WHEREAS, the Department of Public Works received bids on February 12, 2003 for Erie County Home Roof Replacement & Exterior Building Rehabilitation, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Erie County Home Roof Replacement & Exterior Building Rehabilitation as follows:

ROOFING WORK**Weaver Roofing**

Base Bid	\$605,260.00
Alternate 1	\$123,000.00
Alternate 2	\$ 44,410.00
Alternate 3	<u>\$ 11,700.00</u>
Total	\$784,370.00

and be it further,

RESOLVED, that the sum of \$80,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$2,000.00 be allocated for testing, inspection and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following:

2002 Roofing, Project 296, Fund 410 --	\$766,370.00
2002 Exterior Building Rehabilitation, Project 290, Fund 410 --	<u>\$100,000.00</u>
Total	\$866,370.00

and be it further,

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RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

Item 54 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

Re: Personnel Department – Personnel Adjustment. (Comm. 8E-8)

WHEREAS, the Erie County Department of Personnel is in need of a Interne Personnel Specialist; and

WHEREAS, the creation of this position will be cost effective by improving our computer capabilities; and

WHEREAS, funds are available in the Personnel Department's 2003 Personnel Services Account.

NOW, THEREFORE, BE IT

RESOLVED, that effective immediately, the position of Safety Compliance Specialist, Job Group 10 is deleted, and the position of Interne Personnel Specialist, Job Group 12, Step 2, is hereby created within the Personnel Department; and be it further

RESOLVED, that funds to accommodate the Personnel adjustment are available in the Personnel Department's 2003 Personnel Services account; and be further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Personnel, the Division of Budget, Management and Finance, and the County Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MR. FALKNER seconded.

CARRIED UNANIMOUSLY.

Item 55 – (Comm. 8E-9) Memorandum of Agreement – First Amendatory Agreement Erie Canalway Trail Project.

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (Comm. 8E-10) Contract – Rural Van Transportation Service Expansion & New Van Purchase.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 57 – (Comm. 8E-11) Funding for Continental I.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 58 – (Comm. 8E-12) ECSD No. 1 – Contract No. 27 SA – Bid Opening.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – (Comm. 8E-13) Electronic On-Line Building Permit Program.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 60 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

Re: County Funding for Amateur Athletic
Competitions & Community Special Events.
(Comm. 8E-14)

WHEREAS, several athletic competitions and special community events, which will be held in Buffalo and Erie County throughout the next several months, will promote and enhance Erie County's tourism business and national reputation as a tourism destination by (1) focusing on Buffalo and Erie County's cultural life and heritage, (2) featuring our City and County as a major venue for a variety of national sports activities, and (3) providing our residents and visitors from other areas with opportunities to celebrate special community events; and

WHEREAS, these high quality activities, which will provide tens of thousands of our residents and tourists with opportunities to enjoy and experience a variety of high quality athletic, recreational and cultural opportunities, will also result in millions of dollars in economic benefits for our County; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau (BNCVB) is requesting these funds, which it will provide by contractual agreement with the appropriate not-for-profit organizations holding these events, based on the BNCVB's mission to enhance the business of tourism in Erie County and this region, and the BNCVB has a successful track record of providing

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the necessary oversight and technical assistance that is needed to make these events successful, and thus provide significant benefit to Erie County and its residents; and

WHEREAS, the athletic and special community events which will take place this spring and summer include the NCAA Frozen Four Competition, Tier 1 Hockey Competition, Empire State Games, US Track & Field Junior Youth National Competition, NCAA Division 1 Basketball Competition, Nissan Buffalo Marathon, Star Swimming Events, the Family Motor Coach Association's National Meeting, Harley Davidson 100th Anniversary Celebration, and the Drums Along the Waterfront Event, which are being sponsored and promoted by the Buffalo Niagara Convention and Visitors Bureau, and these events are expected to bring tens of thousands of attendees and generate an economic impact in the millions of dollars; and

WHEREAS, funding from Erie County will greatly enhance the marketing and programs of these above-noted events, provide high quality experiences for both residents and visitors from other areas, and result in a very significant return on Erie County's investment,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement to provide funds, as specified below, to the Buffalo Niagara Convention and Visitors Bureau so they may contract with the appropriate not-for-profit organizations administering funds for these events and activities, and in addition so that the BNCVB can provide the necessary oversight and technical assistance to these organizations to help assure the success of these tourism related efforts; and be it further

RESOLVED, that funds in the amount of \$250,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Fund (DAC 1109043038301299) to the following new sub-account under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Buffalo Convention and Visitors Bureau/Athletic and Special Community Events - \$250,000; and be it further

RESOLVED, that these funds, in the amount of \$250,000 will be distributed by the BNCVB in contractual agreements between the BNCVB and the appropriate not-for-profits, for the following events:

NCAA Frozen Four Competition - \$25,000
Tier 1 Hockey Competition - \$25,000
Empire State Games - \$50,000
US Track & Field Junior Youth National Competition - \$25,000
NCAA Division 1 Basketball Competition - \$15,000
Nissan Buffalo Marathon - \$12,500
Star Swimming Events - \$20,500
Family Motor Coach Association National Meeting - \$25,000

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Harley Davidson 100th Anniversary Celebration - \$50,000
 Drums Along the Waterfront Event - \$2,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management, and Finance, the Commissioner of the Department of Environment and Planning, and Richard Geiger, President/CEO, Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, NY 14203-1496.

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

After the 3rd RESOLVE clause ADD the following:

RESOLVED, that this Honorable Body further calls upon the non-for-profit agencies funded through this resolution to provide close-out reports to the Legislature giving details on the expenditure of these county funds, and be it further

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 61 – (Comm. 8E-15) ECASB Request for Proposals to Improve & Enhance Educational Service Delivery to Students in Erie County.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 62 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

Re: Award of Contract & Supplemental for
 Additional Engineering & Construction
 Inspection Services – Replacement of N Main
 St. Bridge, Evans. (Comm. 8E-16)

WHEREAS, bids were taken for the Replacement of North Main Street Bridge 9-4, over Big Sister Creek in the Town of Evans, on March 6, 2003, and the low bidder was UCC Constructors, Incorporated of West Seneca, New York, at a low bid amount of \$609,158.90, and

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WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Hatch Mott MacDonald and it has been determined that the contract must be increased to include additional engineering and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number Project No. BR 9-4-03 for the Replacement of North Main Street Bridge 9-4, over Big Sister Creek in the Town of Evans, between the County of Erie and the low bidder UCC Constructors, Incorporated at its low bid amount of \$609,158.90, and be it further

RESOLVED, that an amount of \$609,158.90 be allocated from the 2001 Capital Projects Tobacco Fund Program (SFG 443-338), and be it further

RESOLVED, that an additional amount of \$60,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$60,000.00 from the 2001 Capital Projects Tobacco Fund Program (SFG 443-338), and be it further

RESOLVED, that an amount of \$200,000.00 be allocated from the 2001 Capital Projects Tobacco Fund Program (SFG 443-338), for a change order to the contract for additional engineering services and construction inspection with Hatch Mott MacDonald, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Commissioner of Public Works and one copy to the Erie County Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 63 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

Re: Petition NYS Commissioner of
Transportation – Intersection Improvements of
NYS Route 325, Sheridan Drive at Kenmore
Avenue. (Comm. 8E-17)

WHEREAS the County Legislature established a Capital Project and acceptance of Federal and State funding totaling 100% of project costs to evaluate and improve the intersection of N.Y.

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Route 325, Sheridan Drive, S.H. 9216, and Kenmore Avenue, CR 189, Town of Tonawanda, County of Erie, and

WHEREAS, the County Engineer, URS Corporation, have filed a Design Report with the New York State Department of Transportation, CSX Transportation, and the Town of Tonawanda, outlining the options and benefits of various alternatives pertaining to this intersection and have determined that the realignment of the Wonalancet Running Track is the most beneficial alternative that balances the community interests, economic considerations, transportation, and rail use, and

WHEREAS, Sections 90 and 91 of the New York State Railroad Law, pertaining to new streets across railroads and the alteration or rehabilitation of existing railroad crossings, requires that the New York State Commissioner of Transportation determine the manner and means of any new at-grade crossing and any alteration or rehabilitation of an existing railroad crossing.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature is authorizing and directing a Petition be filed with the New York State Commissioner of Transportation for a determination regarding the proposed 1) realignment of the CSX Transportation Wonalancet Running Track for the purpose of creating a single at-grade railroad crossing at the intersection of Sheridan Drive and Kenmore Avenue, 2) creation of a new at-grade rail crossing at Woodward Avenue in the Town of Tonawanda, 3) safety improvements at the new crossings, including the installation of appropriate active warning devices, including automatic flashers and gates, all such actions in the Town of Tonawanda, New York, and be it further

RESOLVED, that the Erie County Legislature, acting through its duly appointed Commissioner of Public Works, has determined that it is in the public interest to realign the existing Wonalancet Running Track and improve the Sheridan Drive/Kenmore Avenue intersection as previously described, and be it further

RESOLVED, that this Legislature does hereby authorize and direct the Commissioner of Public Works to petition the New York State Commissioner of Transportation for an order pursuant to Sections 90 and 91 of the Railroad Law, directing the realignment of the Wonalancet Running Track and the construction of a new at-grade rail crossing at Woodward Avenue, and be it further

RESOLVED, that the County is committed to work cooperatively with the New York State Department of Transportation to make railroad crossing and siding improvements, including the installation of appropriate active warning devices, including automatic flashers at the crossing of Sheridan Drive and Kenmore Avenue and automatic gates and flashers at the crossing of Woodward Avenue, in the Town of Tonawanda, for the purpose of improving overall traffic and public safety, and be it further

RESOLVED, that certified copies of this resolution be sent by the Clerk of the Legislature, to the Erie County Commissioner of Public Works, the Erie County Deputy Commissioner of

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Highways, the Erie County Attorney, the Erie County Comptroller, the Supervisor of the Town of Tonawanda, and the New York State Department of Transportation.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 69 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

Re: Dunn Tire Park – Service Level
Improvements. (Comm. 8E-18)

WHEREAS, the Dunn Tire Park lease agreement between the Buffalo Bisons and Erie County designates the County as being responsible for maintenance/capital projects in the amount of \$1 million per year, and

WHEREAS, work at Dunn Tire Park this year consisted of improvements to the service level, and

WHEREAS, in order to expedite all the work and assure that everything was completed by April 4, 2003, the Buffalo Bisons bid the improvements to the service level, County maintenance/capital work in the amount of \$458,250.00, and

WHEREAS, this approach allowed the work to be completed prior to opening game for the 2003 season, and

WHEREAS, the following is a list of lowest responsible bidders:

GENERAL CONSTRUCTION WORK

Summit Construction	\$296,000.00
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ELECTRICAL WORK

Frey Electric Construction Co.	\$ 78,000.00
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HVAC WORK

Capital Heat, Inc.	\$ 34,950.00
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PLUMBING WORK

Western N.Y. Plumbing	<u>\$ 49,300.00</u>
Total	\$458,250.00

and,

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WHEREAS, the lease agreement designates HOK, Sports Consultants, the Architect of record, to provide Architectural/Engineering and Construction Management Services to the Buffalo Bisons, and

WHEREAS, HOK, Sports Consultants provided the documents for bidding and construction management for the improvements to the service level at a cost not to exceed \$145,700.00, and

WHEREAS, the Buffalo Bisons are now requesting that the County reimburse the Buffalo Bisons account for the cost of the County maintenance/capital work and Architectural/Engineering and Construction Management Services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is hereby authorized to reimburse the Buffalo Bisons account in an amount not to exceed \$603,950.00, plus any change orders for unforeseen conditions in an amount not to exceed \$30,000.00 for the cost of County maintenance/capital work and Architectural/Engineering and Construction Management Services, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the 2002 Dunn Tire Park bond account, Project 272, Fund 441, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Commissioner's Office; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 65 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

Re: Health – Renovations of BB Building at
ECMC Campus. (Comm. 8E-19)

WHEREAS, the Department of Public Works received bids for the Health Department Renovations of BB Building at the ECMC Campus on October 1, 2002, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidders in the amount of \$763,200.00, and

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WHEREAS, code compliant work is required for additional humidification for Health Department testing in the laboratory area, and

WHEREAS, if the Code Compliant Humidification Work is not completed, the laboratory testing cannot be completed to meet health and safety requirements,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$27,000.00, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Fund 410, Project 196, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 66 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

Re: Ralph Wilson Stadium – 2003 Artificial
Grass Outdoor Playing Field. (Comm. 8E-20)

WHEREAS, the Buffalo Bills have requested that the outdoor grass playing field at Ralph Wilson Stadium be replaced in accordance with the terms of their lease, and

WHEREAS, they have requested that the County proceed with this work which should be completed before the 2003 pre-season football season begins, and

WHEREAS, they have requested that the County install an Astro-Play artificial grass field, which is a sole source item, and

WHEREAS, S.R.I. Sports has agreed to defer their request for payment until the 2004 budget authorization is approved,

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NOW, THEREFORE, BE IT,

RESOLVED, that the bidding requirements be waived, and be it further,

RESOLVED, that the Commissioner of Public Works and the County Attorney be authorized to negotiate with S.R.I. Sports, 701 Leander Drive, Leander, Texas, 78641, to supply and install an Astro-Play artificial grass field at a cost not to exceed \$500,000, and be it further,

RESOLVED, that the County Executive be authorized to enter into said negotiated contract, and be it further,

RESOLVED, that this approval is subject to the Legislature appropriating funds in fiscal year 2004, and be it further,

RESOLVED, that S.R.I. Sports has deferred payment until the 2004 bond resolution is approved by the Erie County Legislature, and be it further,

RESOLVED, that the sum of \$50,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that if the 2004 budget does not contain authorization for the replacement of the outdoor grass playing field at Ralph Wilson Stadium, the Buffalo Bills will incur the costs for the replacement, (see attached letter from the Buffalo Bills dated February 28, 2003), and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the County Attorney; one copy to the Division of Budget Management & Finance; and one copy to the Comptroller's Office.

MR. RANZENHOFER moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 67 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

Re: NYSERDA Flexible Technical Services for
Highway Garage Study. (Comm. 8E-21)

WHEREAS, preliminary energy analysis performed by the Department of Public Works of the ten highway garage facilities shows higher than expected energy usage, and

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WHEREAS, an energy audit is required to confirm the preliminary energy analysis and determine cost effective energy conservation measures, and

WHEREAS, NYSERDA's Flexible Technical Services Program will fund 50% of an energy audit if an approved consultant is used, and

WHEREAS, Wendel-Duchscherer is an approved NYSERDA consultant for this work and has submitted an approved proposal to NYSERDA for \$52,036,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with NYSERDA to perform an energy audit of the ten highway garage facilities, and be it further,

RESOLVED, that the total cost of the NYSERDA study is \$52,026 with \$26,018 being funded by NYSERDA and the remaining \$26,018 to be taken from Fund 410, Project 833, and be it further,

RESOLVED, that the State Aid and appropriations to Fund 410, Project 833, be increased by \$26,018, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management & Finance, and the Office of the Comptroller.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 68 – (Comm. 8E-22) Increase in Change Fund – County Clerk – Auto Bureau.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 69 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

Re: Transfer of Funds – County Clerk's Office.
(Comm. 8E-23)

WHEREAS, the County Clerk Auto Bureau seeks to purchase a mobile auto bureau work station, as well as some other equipment and furnishing for the Bureau, and

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WHEREAS, funds are available in the budget of the County Clerk, Registrar, and

WHEREAS, it is desirable to transfer these amounts into the proper accounts of the County Clerk, Auto Bureau.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer of funds in the Budget of the County Clerk is hereby approved:

FROM: Account 110 915 130 826 (Other)	\$20,000
Account 110 915 130 823 (Repair and Maintenance)	\$20,000
TO: Account 110 916 131 823 (Repair and Maintenance – Auto Bureau)	\$ 6,821
Account 110 916 131 933 (Lab & Tech – Auto Bureau)	\$33,179

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 70 – (Comm. 8D-1) Copy of Letter to Chairman Swanick Re: Public Benefit Contracts.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY WATER AUTHORITY

Item 71 – (Comm. 8M-1) Audited Financial Statements for Years Ended 2001 & 2002.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

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Item 72 – (Comm. 8M-2) Minutes of Meeting Held 3/18/03.

Item 73 – (Comm. 8M-3) Meeting Notice & Agenda.

The above two items were received and filed.

FROM THE NFTA

Item 74 – (Comm. 8M-4) Budget for Fiscal Year Ending 3/31/04 & 5 Year Plan.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE ERIE COUNTY BOARD OF HEALTH

Item 75 – (Comm. 8M-5) Notice of Meeting to be Held 5/1/03.

Received and filed.

FROM THE ECIDA

Item 76 – (Comm. 8M-6) Notice of Board of Directors Meeting.

Received and filed.

FROM CGR & LUMSDEN & McCORMICK

Item 77 – (Comm. 8M-7) Operational Study of Certain Functions of Government.

Received and filed.

FROM EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 78 – (Comm. 8M-8) Notice of Meeting to be Held 4/17/03 & Agenda.

Received and filed.

RECONSIDERATION

Item 79 – MR. LARSON moved to reconsider Intro. 8-14. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

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GRANTED.

Intro. 8-14 From LEGISLATOR HOLT Re: Consideration for Public Benefit Funding.

MEMORIAL RESOLUTIONS

Item 80 – Legislator Swanick requested that when the Legislature adjourns, it do so in memory of the fallen soldiers.

Item 81 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Peter Schmitt, Jr.

Item 82 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Betty Lipsitz.

Item 83 – Legislator Weinstein requested that when the Legislature adjourns, it do so in memory of Joseph F. Wincenc.

ADJOURNMENT

Item 99 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, May 8, 2003. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 8, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA
CLERK**